

### **REMARKS**

The Office Action objected to our replacement sheet for the drawing of Figure 11, and also to our amendment of the specification beginning on Page 28, Line 8, which constitutes Paragraph [0132] of a description of a second embodiment in U.S. Patent Publication 2007/0002947. Applicant respectfully requests reconsideration of this rejection for the following reasons.

1. Applicant, Panasonic, was the owner of Universal Studios, a movie production company and the present invention is directed to efforts to commercialize entertainment media such as motion pictures of the present day and the past that were owned by Universal Studios or were at least available for distribution by Universal Studios where such entertainment media could be commercialized not only in movie theaters but through a secondary market of providing such entertainment media with additional features in, for example, DVDs and Blu-ray media.

The ability to digitize and edit such media by a picture coding method for compact storage while maximizing the creative ability of the presentation of such media, has been a challenging field with highly skilled computer programmers and also engineers providing reproduction apparatus for such a media.

2. The present invention was a collaborative effort of Japanese inventors in the USA and also residing in Japan and an American inventor, Jiuhuai Lu, residing in the United States. A Japanese application was filed on November 28, 2003 and subsequently a PCT application was filed on February 18, 2004.

In this process, the Japanese application was translated into English to prepare the PCT parent application for filing as a U.S. national phase application. A translation of Japanese words and their context or idiom can be challenging for non-technical presentations, and can be

particularly challenging for a translator dealing with a relatively complicated presentation from an idiomatic viewpoint. Regretfully, minor errors can and did occur in our current original application as filed which were not recognized by inventors whose first language is Japanese.

Attached hereto are Declarations of the Japanese translator Ayako Tatsumi, along with Declarations of each of the respective Japanese inventors: Yoshiichiro Kashiwagi, Masayuki Kozuka and Shinya Kadono. The American citizen inventor Jiuhuai Lu has not been employed by Panasonic since September 2006, and our attempts to contact him at his last known post office address and the last known e-mail address have been unsuccessful.

The attached Declarations, however, disclose the minor translation problem that existed in translating from our Japanese priority document to the current U.S. patent application.

Regretfully, the Examiner is also aware that there had been other minor errors associated with the translations of the drawings relative to descriptions of Prior Art that were addressed and resolved earlier in this prosecution.

It is believed that the attached Declarations more than adequately disclose the errors and provide a basis for our amendment of the specification and Figure 11 in a replacement sheet.

3. The Office Action on Page 2, Paragraph 3, indicated that an unacceptable subject matter was the terminology “the unfiltered picture for each picture is outputted and pictures following the specified picture.” This language is not verbatim, but appears to relate to the language in Number 4 of Figure 11.

Figure 11 refers to a specific code of the Numbers 0 through 5, which can be represented as filter application information to assist in editing a bitstream of movie data of pictures. The Office Action did not object to the idiom correction of Figure 11, apparently for numbers 0, 1, 2, 3 and 5. Basically, 0 indicates outputting unfiltered pictures from the pictures in the bitstream, 1

outputs filtered pictures from the pictures in the bitstream, 2 outputs an unfiltered picture specified, 3 outputs a filtered picture specified.

The original language of Claim 11 provided a confusing variation. That is, one code already specifies outputting unfiltered pictures for each or all the pictures in the bitstream. Number 4, however, defines outputting unfiltered pictures following filter information designating a specific picture. Confusion exists as to what happens to the picture specified as the start point in the bitstream by the filter application information.

Common sense dictates that you would specify the first picture that is unfiltered that you wanted to start outputting and the subsequent pictures following that first one. The original language of Number 4 in Figure 11 is unclear only about the picture that was specified and not unclear about all the following unfiltered pictures that were to be output.

The correction to Figure 11 is an obvious Japanese idiom translation mistake to clarify that the code Number 4 designates all of the unfiltered pictures starting from the picture specified, which by logic would be an unfiltered picture and the subsequent pictures. This is what logic to a person of skill in this field would dictate for providing such a code, and it would not take any experimentation to determine whether the specified start picture (being unfiltered) would also be output.

Thus, in this context, it would be readily apparent to anyone of ordinary skill in this field that when adopting a shorthand piece of filter application information, that there would be one of only two logical consequences and it would make more sense to designate in a bitstream that you would pick a picture frame that would be unfiltered as the start point for downloading along with the subsequent unfiltered pictures.

What would be the logical sense for an engineer or a software programmer to designate a filtered picture and then subsequently seek unfiltered pictures after that designation? The logic would suggest that you would seek a demarcation point of the first unfiltered picture to download and consistently subsequent unfiltered pictures from that point of demarcation.

Reviewing the original Japanese translation and the Declarations of the inventors and the translator verifies this translation error that is supported by a proper English translation of our priority document whose information has now been corrected as shown in 37 CFR §1.131 Declarations.

The Office Action rejected Claims 26-28 and 32-34 as unpatentable over our admitted prior art in view of *Kiyoshi et al.* (Japanese Laid-Open Patent Application 63-199589) by not considering the amendments to the claims, Figure 11 and specification.

It is believed that applicant has adequately supported the claim language now set forth in replacement Figure 11 and our current specification, and that we have more than adequately distinguished over the 35 U.S.C. §103 rejections set forth in Paragraph 5 of the Office Action of December 15, 2009.

In this regard, applicant has had a prior telephone conference with Examiner Lee on March 4, 2010, and Examiner Lee had suggested during that interview that if Claim 26 incorporated the different filtering as illustrated in Figure 11, that it would overcome the prior rejection of the AAPA and *Kiyoshi et al.* disclosures. Enclosed is a full English translation of *Kiyoshi* to assist the Examiner.

Thus, it is believed that the current amendment of Claims 26 and 32 not only provides advantageous effects for editing movie bitstreams, but further more than adequately overcomes the obviousness rejection under 35 USC § 103.

Both independent Claims 26 and 32 have now been amended to specifically define that the filtering application information is applied for the specific picture and each picture following that specific picture. While the AAPA discloses a selection of information based on a switch 504 for selecting an output of an inner picture prediction unit 502 or an output of an intra picture prediction unit 504 as shown in Figure 17. This is not the same as filtering information coded to define assisting the editing of a bitstream of picture data as set forth in our current claims.

The *Kiyoshi et al.* reference makes a selection between an unfiltered picture and a filtered picture based on the magnitude of a motion vector and not on any specified editing filter application information. Thus, the magnitude of a motion vector information would only indicate which part of a picture uses the reference image for motion compensation.

While *Kiyoshi et al.* may be directed to improving a visual resolution of a still picture or even pictures with a very small amount of motion, it does not recognize the problems of deterioration of film (movie) texture produced by film grains throughout the entirety of a video.

Our present invention provides an improvement in the coding efficiency and maintaining (not degrading) the texture and film (movie) produced by film grains such as a specific effect indicating an earlier time period or a segment of an older movie. There is no use of motion vectors as taught or suggested by *Kiyoshi et al.* in our present invention.

In summary, our present invention defines specific filter application information in a relatively sophisticated coding art as follows:

- (a) When the filter application information indicates that the decoded picture before the filtering is outputted for a display process, the decoded picture before the filtering is outputted for the display process, and the filtered picture after the filtering is stored in the memory as a reference picture.

With this, it is possible to obtain an advantageous effect of displaying a picture having the texture produced by film grains and improving the coding efficiency for a picture that refers to such displayed picture.

(b) The filter application information indicates which one of the decoded picture before the filtering and the filtered picture after the filtering is outputted for the display process, not only for the specified picture, but also for the pictures following the specified picture.

With this, it is possible to obtain an advantageous effect of improving picture coding efficiency by taking advantage of the fact that, in the case of consecutive pictures, the decision to display or not to display a picture with the texture produced by film grains is applicable to all of the consecutive pictures. In addition, the advantageous effect of feature (a) can be further enhanced.

Accordingly, applicant believes that it has more than adequately established a foundation for our claim amendments and support for a Replacement Sheet 11 and the amendment of Paragraph [0132] of the second embodiment description of our present invention.

Applicant filed Information Disclosure Statements on April 27, 2005, July 5, 2005 and May 23, 2006 which have not been acknowledged by the Examiner. It is respectfully requested that these references be reviewed and made of record.

Applicant believes the present application is accordingly allowable.

If the Examiner believes a telephone interview will further the prosecution of this case,  
the undersigned attorney can be contacted at the listed phone number.

Very truly yours,

**SNELL & WILMER L.L.P.**

A handwritten signature in black ink, appearing to read 'Joseph W. Price', is written over a horizontal line.

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